

CASE NO.: 50P4401.01
Serial No.: 09/840,954
May 3, 2005
Page 2

PATENT
Filed: April 24, 2001

Unfortunately for the *prima facie* case, Ala-Laurila et al., and in particular in the relied-upon sections of columns 4 and 5, does not appear to have any reason to use session names at all, much less to strip them, so the rationale for stripping session names in Bayeh et al. is irrelevant to Ala-Laurila. More specifically, Ala-Laurila is directed to easing the handover of a mobile telephone from one access point to another by performing some of the Internet key exchange from old to new access point without involving the mobile phone, using medium access control (MAC) messages (col. 5, lines 59 and 60). MAC messages are used to determine which device has line access at any given time, see, for support, www.virtualschool.edu, Glossary of Internet terms. Applicant does not believe that MAC messages have session names, but if even they do, stripping any such session names in Ala-Laurila et al. following the teaching of Bayeh et al. plainly would frustrate the entire point of Ala-Laurila et al., which is to ease access point handover. Stated differently, with the (hypothetical) session names stripped from the MAC messages, the access points would be unable to determine which mobile phone was associated with the keys being transferred between access points, rendering Ala-Laurila et al. useless for its intended purpose and thus traversing the rejections, MPEP §2143.01 (citing In re Gordon). No other messages appear in the primary reference from which session names might be stripped, so the reason in Bayeh et al. for stripping session names is irrelevant to the primary reference.

Turning to the rejection of independent Claim 10, the continued allegation that Rautila, col. 1, lines 34-65 and col. 2, lines 13-18 teaches location-based services continues to be wrong because it ignores the fact that Claim 10 is not merely reciting "location dependent services" but services that are dependent on a particularly recited location, namely, that of the mobile device. The details matter, and in Rautila et al. a position transceiver is located at a base station and transmits its position to a mobile device, which then

1108-20.AM1


CASE NO.: 50P4401.01
Serial No.: 09/840,954
May 3, 2005
Page 3

PATENT
Filed: April 24, 2001

retransmits the location of the position transceiver, not its own location, to access services. Thus, unlike Claim 10, the position transmitted by the mobile device in the cited reference is not its own position, but rather that of the position transceiver. The mistake being made in the rejection is that it reads limitations out of Claim 10, namely, "tracking" the location of the mobile device (something never done in the relied-upon sections of Rautila et al.) and then using the location of the mobile device, not some other location such as that of a position transceiver, to access services.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg

1168-20.AM1